Federal Aviation Administration

Automated Flight Service Station (AFSS) A-76 Performance Decision Information Packet



Initial Questions and Answers

Federal Aviation Administration 800 Independence Avenue, SW Washington, DC 20591

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OMB Circular A-76 – Competitive Sourcing

1. What is the Office of Management and Budget Circular A-76 "Competitive Sourcing?"

The Office of Management and Budget (OMB) Circular A-76 has its roots in the Eisenhower Administration. It sets the policies and procedures that executive branch agencies must use in identifying commercial-type activities and determining whether these activities are best provided by the private sector, by government employees, or by another agency through a fee-for-service agreement. The term typically used to describe this process is competitive sourcing. On May 29, 2003, OMB unveiled revisions to OMB Circular A-76, which went into effect immediately.

"Competitive Sourcing" is one of seven key elements on the President's Management Agenda. Under competitive sourcing, agencies must study some of the commercial functions currently performed by Federal employees. When a function has been studied and selected to undergo a public-private competition, it means that the function will be competed, and only the result of a competition will dictate whether the function will continue to be performed by government personnel or will be performed by a private sector source.

2. What determines whether a function is "commercial"?

The "Federal Activities Inventory Reform Act of 1998" (Public Law 105-270) ("FAIR Act") requires executive agencies to identify both the commercial and inherently governmental activities performed by Federal employees and submit them to OMB. After OMB reviews and approves each agency's "FAIR Act Inventory" the agency must post it on its public web site. OMB Circular A-76 provides criteria to help agencies determine which functions are commercial.

3. What's the difference between a commercial function and an inherently governmental function?

An inherently governmental function is an activity that is so intimately related to the public interest as to mandate performance by government personnel. These activities require the exercise of substantial discretion in applying government authority and/or in making decisions for the government. A commercial function is a service that could be performed by the private sector, because it is not as intimately related to the public interest. Unlike inherently governmental activities, commercial activities can be subject to competition.

4. How is competitive sourcing different from privatization?

Under privatization, the government relinquishes ownership and control of an operation by divesting itself of the commercial function, including the associated real property, and becomes a

customer that purchases goods and services from a commercial source. In competitive sourcing, the government retains ownership and control of an operation whether government employees or contractors provide the service.

5. What good, if any, comes from competitive sourcing?

The government spends billions of dollars every year for commercial services provided by government employees. Historically, these competitions have resulted in savings that average 30 percent, whether government employees or private sector employees ultimately do the work. Additionally, OMB Circular A-76 contains various provisions that enable agencies to require minimum standards of service quality. Consequently, competitive sourcing often results in significant savings to the government along with improvements to performance.

6. What is the basic process for conducting an A-76 competition?

A standard competition process as outlined by OMB Circular A-76 (May 2003) consists of the following general steps:

- <u>Conduct Preliminary Planning</u>: Before the public announcement of a standard competition, preliminary planning is conducted to determine the scope of the competition, baseline costs, identify workload data and systems, develop a preliminary schedule, designate competition officials, etc.
- <u>Make a Public Announcement</u>: A formal public announcement is made via FedBizOpps.gov for each competition an agency conducts. The public announcement date is the official start date for a standard competition.
- <u>Develop and Issue Solicitation</u>: At the core of the solicitation is the Performance Work Statement (PWS). The PWS identifies the technical, functional, and performance characteristics of the agency's requirements. A PWS must be performance-based and describe the agency's needs (the "what"), not specific methods for meeting those needs (the "how"). The PWS also identifies essential outcomes to be achieved, specifies the agency's required performance standards, and specifies the location, units, quality and timeliness of the work. The PWS is integrated into the solicitation, which is eventually issued to enable interested parties to submit proposals.
- <u>Receive Offers and Tenders</u>: Private sector companies develop and submit a formal "offer" in response to the solicitation. The government's Most Efficient Organization (MEO) also submits a formal response to the solicitation, known as an "Agency Tender."
- <u>Perform Source Selection</u>: The agency utilizes one of the selection procedures outlined in the Circular as the means for conducting the evaluation of responses to the solicitation.

- <u>Make Performance Decision</u>: The agency makes a formal public announcement of a competition's performance decision and posts the information on FedBizOpps.gov. The performance decision date is the official end date for a standard competition.
- <u>Award Contract or Issue Agreement</u>: After the performance decision has been announced, if a private sector company is selected it enters into a contract with the agency. If the MEO is the selected service provider, it enters into a letter of obligation (LOO).
- <u>Perform Post Competition Accountability</u>: Regardless of the selected service provider (private firm or MEO), the agency monitors performance by implementing a Quality Assurance Surveillance Plan (QASP) and recording the actual cost of performance by performance period.

Additional information regarding the A-76 competitive sourcing process can be found in the applicable OMB Circular at http://www.whitehouse.gov/omb/circulars/.

The AFSS A-76 Competitive Sourcing Process

7. What are Automated Flight Service Stations (AFSSs)?

AFSSs are air traffic facilities that provide pilot weather briefings, en route communications, and search and rescue services to general aviation pilots. These services include assistance to lost aircraft and aircraft in emergency situations, relaying of air traffic clearances, origination of Notices to Airmen (NOTAMS), broadcasting aviation weather information, and the receiving and processing of flight plans. The 58 AFSS locations within the scope of the competition* are staffed with about 2,500 employees.

8. Why did the FAA choose to study and compete the services provided by AFSSs?

Several internal and external studies, including one by the Department of Transportation (DOT) Inspector General, found that the FAA could provide AFSS services differently and in a more cost effective manner. A competitive sourcing study of AFSSs was undertaken and it was determined that significant savings could be achieved while maintaining safety and efficiency. The following assessments supported the choice.

^{*} For the purposes of this competition, the services provided by the facilities in the Alaskan region (3 AFSSs and 14 flight service stations) were excluded.

- AFSS functions are severable and distinct.
- Productivity and unit cost per operation vary greatly between flight service locations.
- The AFSS function provides an opportunity for efficiency gains through the competitive sourcing process. This could be achieved by the introduction of new facilities and equipment and reduction of non-value added activities.

The Performance Decision

9. How many proposals did the FAA receive?

The FAA received 5 proposals in response to the solicitation. These Potential Service Providers were the Agency's Most Efficient Organization (MEO), Computer Sciences Corporation, Lockheed Martin Corporation, Northrup Grumman Corporation, and the Raytheon Company.

10. Who was selected to provide the service?

The Performance Decision resulting from the FAA's standard competition for AFSS services was announced at the local level and on *FedBizOpps.gov* in accordance with OMB Circular A-76 (May 2003) on February 1, 2005. The selected service provider was Lockheed Martin. As a result of the standard competition, the FAA's Contracting Officer has executed a contract with Lockheed Martin for the provision of AFSS services.

11. When were the employees notified?

Employees were notified of the AFSS A-76 competition's outcome on the same day the performance decision was announced. The information was accessible through the following means:

- A video recording on the VOICELive website at http://videoontheweb.faa.gov
- An audiotape (audio portion of VOICELive broadcast) of the announcement via a toll free telephone number was reserved for the exclusive use of AFSS employees and their families
- The text of the VOICELive message and the *FedBizOpps.gov* announcement on the Office of Competitive Sourcing website at http://www.faa.gov/aca

12. What is this Service Provider's experience working with the FAA?

Lockheed Martin has partnered with the FAA to provide en route and terminal area automation systems for more than 40 years.

13. What was the evaluation process? What criteria were used to make the performance decision?

Technical proposals were received August 3, 2004, and cost proposals were received September 3, 2004. All proposals were evaluated in terms of one Past Performance Factor, one Cost Factor, and four Technical Factors. The Most Efficient Organization (MEO) was not required to submit past performance information and was not evaluated for this factor. The Technical Factors evaluated were Phase-In, Staffing and Management, Service Delivery, and Performance Management. Technical factors were determined to be more important than cost.

The initial analysis of the proposals was accomplished by Cost and Technical Evaluation Teams (CET and TET), who assessed the impact of the strengths and weaknesses of each proposal. The teams provided a detailed analysis of the proposals to the Source Selection Evaluation Board (SSEB).

The SSEB is a team of FAA executives appointed by the Source Selection Authority (SSA). The SSEB reviewed the analysis of the CET and TET and provided a recommendation to the SSA. As the decision-making authority who is responsible for the source selection, the SSA made the performance decision.

The evaluation of proposals was designed to enable the FAA to determine which one represented the best value to the government. Best value is the combination of the impact of the overall benefits, risk and cost for the delivery of flight services to support safe and efficient flight.

14. Can this decision be contested? What are the ground rules?

Contests to the performance decision can be filed with the FAA's Office of Dispute Resolution for Acquisition (ODRA). Only a directly interested party may contest standard competition performance decisions. A directly interested party is defined by ODRA as the Agency Tender Official who submitted the agency tender; a single individual appointed by a majority of directly affected employees as their agent; a private sector offeror; or the official who certifies the public reimbursable tender.

Contests of the outcome of the competition must be filed not later than seven business days after the date the contester knew or should have known of the grounds for the contest. If the contester has requested a post-performance decision debriefing, the contest must be filed not later than five business days after the date on which the debriefing is held. All contests are expected to be resolved within 90-days after filing.

15. What is the performance period and will AFSS services be re-competed?

Following the Performance Decision, the FAA will continue to retain the responsibility for providing AFSS services in the Phase-In period. The Phase-In period will last a minimum of 6 months and may include up to three one-month Phase-In option periods.

After the Phase-In period, the Service Provider will assume responsibility for the provision of AFSS services during a Transition period. The Transition period represents the time utilized by the Service Provider to move from the existing methodology of AFSS service delivery to their proposed End-State solution. The Transition and End-State periods of performance will last a total of 5 years combined, of which the Transition period will last no longer than 36 months. The FAA may then choose to exercise a 3-year option period based on superior performance or re-compete the service. There is a second two-year performance option.

Under the Circular, an agency shall complete another streamlined or standard competition of the activity by the end of the last performance period. The Competitive Sourcing Official (CSO) may extend the performance period for a high performing organization if the CSO (a) determines that continued cost savings justifies the extension; (b) documents these cost savings through the use of a COMPARE generated Standard Competition Form (SCF); (c) limits the extension to no more than 3 years after the last performance period; and (d) makes a formal announcement of the extension via *FedBizOpps.gov*.

16. How much money does the FAA expect to save?

The FAA anticipates that this award will result in savings of approximately \$2.2 billion over a 10-year period of performance.

17. How will the FAA ensure the quality of services provided by the Service Provider? Who monitors their performance?

The Contracting Officer maintains primary responsibility for assuring the Service Provider meets service quality expectations. The Quality Assurance Surveillance Plan (QASP) sets in place metrics (i.e. Acceptable Performance Levels) and methods of surveillance to be carried out by Quality Assurance Evaluators (QAEs). QAEs will monitor the Service Provider with respect to technical and cost performance and will report results to the Contracting Officer or designated representatives. This performance data will be used to assess the appropriate application of specific quality incentives built into the contract, such as financial incentives and option periods, based on the successful accomplishment of objectives.

18. What is the schedule for transitioning services to this Service Provider?

The provision of AFSS services will be transferred on Day 1 of the Transition period of performance - approximately 8 months after the Performance Decision. During the first six months of the Transition period, Lockheed Martin plans to continue current operations at all 58 AFSS facilities utilizing the tools, processes, and procedures used today. Incremental consolidation will begin during month 6 and be completed by month 18 of the Transition period as its new system is introduced.

19. How will the existing AFSS facilities be impacted?

The FAA is still responsible for providing AFSS services during the approximately 8-month Phase-In period. During that time, all facilities will remain open utilizing the same equipment, processes, and procedures. Once the Service Provider has assumed responsibility for the provision of services on Day 1 of the Transition period, they will continue current operations at all 58 AFSS facilities.

Lockheed Martin proposes an architecture built upon 3 Large Sites (East, Central, and West hubs) and 17 FSS Legacy Sites:

Hub Facilities

- Leesburg, VA
- Fort Worth, TX
- Prescott, AZ

Legacy Facilities

- Albuquerque, NM
- Columbia, MO
- Denver, CO
- Honolulu, HI
- Islip, NY
- Kankakee, IL
- Lansing, MI
- Macon, GA

- Miami, FL
- Nashville, TN
- Oakland, CA
- Princeton, MN
- Raleigh Durham, NC
- St. Petersburg, FL
- San Diego, CA
- San Juan, PR
- Seattle, WA

20. When will AFSS facilities be closed?

Again, none of the facilities will be closed during the Phase-In period. Once the Service Provider has assumed responsibility for the provision of services on Day 1 of the Transition period, it will continue current operations at all 58 AFSS facilities.

21. Exactly how will AFSSs operate in the future?

Lockheed Martin has integrated a number of aviation products into its solution to improve customer satisfaction, increase performance and ensure safety. AFSS specialists will have a wide range of information available to them through a fully integrated system that provides weather, flight planning, and related aeronautical information.

- The solution is fully compliant with FAA Order 7110.10 *Flight Service* procedures while automating a number of manual tasks
- All information (including pilot entered data) contained in the system-wide database is available to any specialist
- Calls are automatically routed to the best qualified and available specialist nationwide
- Automated flight alerts are sent to pilots and specialists
- The same integrated weather, NOTAMs and flight planning used by the specialists are available to pilots via a web portal
- Equipment and facility maintenance personnel will be located at each site

Impact on Existing AFSS Employees

22. What benefits or services are being offered by the FAA to the affected workforce?

- Employee Assistance Program: All current FAA employees are eligible to receive services provided under the Employee Assistance Program (EAP). This comprehensive, nationwide network of licensed and experienced counselors including psychologists, clinical social workers, and marriage, family and child counselors are located at offices convenient to employees' homes and work or by telephone or website. EAP counselors help employees work on a plan to achieve their objectives by discussing problems in an objective manner, identifying options, and knowing the resources available in their local community. Funding has been earmarked exclusively for AFSS employees to provide on-site counselors and EAP seminars to assist employees during this time of change.
- <u>Career Transition Assistance</u>: Career transition assistance services will be available to employees certified as "surplus" to the agency. These services include assistance with resume and cover letter writing, how to fill out applications, interviewing techniques, how to supplement Knowledge-Skill-Assessment (KSA) documents, self-assessments, career

counseling, how to obtain state benefits, entitlements, and unemployment services and more. In addition, career transition assistance services will also be provided on a space-available basis to spouses in instances where the employee is seeking relocation.

- <u>Voluntary Early Retirement Authority</u>: The of the Voluntary Early Retirement Authority (VERA) program helps minimize the involuntary separation of employees by allowing them to qualify for voluntary early retirement. FAA plans to offer VERAs during the Phase-In period to AFSS employees covered under the A-76 study.
- <u>Separation Incentives</u>: Voluntary Separation Incentive Payments (VSIP) or "buy-outs" are
 authorized to allow agency management the flexibility to manage its workforce through
 change. The FAA may elect to offer limited VSIPs to employees of the AFSS workforce.
 The Agency plans to make a determination on the appropriate use of VSIPs throughout the
 Phase-In period.
- <u>Life Insurance</u>: Employees who retire on an immediate annuity and do not convert to a non-Federal Employees' Group Life Insurance (FEGLI) policy are eligible to continue their basic life insurance as well as optional coverage if they have been enrolled for the 5 years immediately preceding retirement or since the first opportunity to enroll, if later. Employees who are not eligible to continue insurance coverage will have the opportunity to change it to a non-FEGLI policy.
- <u>Health Insurance</u>: Separated employees not eligible for an immediate annuity can continue their health insurance for 31 days at no cost. During that month, employees can elect to continue receiving benefits under the Federal Employees Health Benefits Program (FEHB) Temporary Continuation of Coverage Provision.
- <u>Unused Annual Leave</u>: Upon separation from the federal government, whether by Reduction-in-Force (RIF) or resignation, employees are entitled to receive a lump sum payment for accumulated and accrued annual leave.
- <u>Unemployment Compensation</u>: The Department of Labor (DOL), through state
 governments, administers the unemployment insurance program for federal employees.
 States determine the eligibility for benefits and the amounts to be paid to unemployed
 individuals. Information on how to contact state resources will be provided as part of the
 career transition assistance services.
- <u>Severance Pay</u>: All employees separated by a RIF will be eligible to receive severance pay if not otherwise eligible for an immediate annuity. If an employee accepts employment with Lockheed Martin, they are still eligible to receive severance pay.

23. Will there be a Reduction-in-Force?

The FAA will take numerous steps to mitigate the potential for conducting a Reduction-in-Force (RIF). However, under some circumstances, it will be necessary to conduct a RIF as AFSS services transition to the new Service Provider. Nothing will happen to employees for at least several months after the performance decision is announced and employees will receive notice well in advance of any action being taken.

24. Will the FAA place AFSS employees in other FAA jobs? What programs to facilitate placement into other FAA positions will be implemented to fill viable vacancies and lessen the need for a Reduction-in-Force (RIF)?

The FAA has developed several programs to support and assist AFSS specialists seeking continued employment within the Agency.

- Air Traffic Organization Preferred Placement Program: This program provides an opportunity for adversely affected AFSS employees to receive placement consideration for positions for which they qualify throughout the Air Traffic Organization (ATO). The hiring official must either select an AFSS referred employee, or provide a written non-selection justification that requires higher-level approval.
- <u>Selection Priority Program</u>: Employees designated as "displaced," which occurs upon receipt of a RIF notice, will be automatically eligible for selection priority. Under this program, current and former employees who submit an application for a vacancy must be selected at any grade level, if he/she is well-qualified, before any non-FAA candidate in the employee's local commuting area (or substitute location chosen by the employee if he/she agrees to pay relocation expenses).
- Exemption to Maximum Air Traffic Controller Hiring Age: This program, also referred to as the "age-31 exemption" program, allows surplus or displaced FAA employees, who are age 31 or older, to be initially appointed to air traffic control positions covered by the maximum entry age. To be eligible, the employees must have demonstrated experience in the direct separation and control of air traffic by having previously being certified in accordance with FAA standards. This program may be used in conjunction with the Preferred Placement Program and the Selection Priority Program provided they are in effect concurrently.
- Waivers to Mandatory Retirement Age: The FAA has a program in place to entertain waivers to the mandatory separation age of 56 for all air traffic controllers in FAA. Procedures have been developed and were published in the Federal Register for public comment on January 7, 2005. Future information on the status of this program will be widely publicized when complete.

25. What are buyouts? Will they be offered to AFSS employees?

Voluntary Separation Incentives (VSIP) or "buyouts" allow employees to volunteer to leave the Government so that agencies can minimize or avoid involuntary separations through the use of Reductions-In-Force (RIFs). VSIPs or "buy-outs" are authorized to allow agency management the flexibility to manage its workforce through change. The FAA may elect to offer limited VSIPs to employees of the AFSS workforce. The Agency plans to make a determination on the appropriate use of VSIPs throughout the Phase-In period.

26. Must the service provider offer jobs to current AFSS employees?

Lockheed Martin, as a private sector company, is required to abide by the contract provision pertaining to the "Right of First Refusal." Under this clause, Lockheed Martin shall give government employees who have been or will be adversely affected or separated as a result of award of this contract the right of first refusal for employment openings under the contract in positions for which they are qualified, if that employment is consistent with post-government employment conflict of interest standards.

27. Once the contract is awarded, what is the FAA's responsibility to the Service Provider regarding Right of First Refusal?

Within 10 days after contract award, the Contracting Officer (CO) will provide the Service Provider a list of all government employees who have been or will be adversely affected or separated as a result of award of the contract. The Human Resource Advisor (HRA) provides the CO with the list.

28. Are employees with performance and/or attendance issues eligible for Right of First Refusal?

Yes, all adversely affected employees are eligible. The Service Provider shall give government employees who have been or will be adversely affected or separated as a result of award of the contract the right of first refusal for employment openings under the contract in positions for which they are *qualified*, if that employment is consistent with post-government employment conflict of interest standards.

The Screening Information Request (SIR) establishes minimum qualification criteria. However, the Service Provider can apply additional criteria in the hiring of employees to meet the service requirements. In addition, the Service Provider needs to make offers commensurate with the number of vacancies that exist. In this case, however, Lockheed Martin has committed to providing offers of employment to all incumbent AFSS employees.

29. Clarify manager, staff, and administrative personnel's Right of First Refusal (ROFR)? How does ROFR apply to non-bargaining unit personnel?

ROFR applies to all groups of affected employees alike; there is no distinction among supervisor, administrative or operational personnel.

30. At what point do non-operational personnel need to be recertified in order to be qualified for operational positions?

Section C, paragraph 4.2.2 of the Screening Information Request (SIR) states that incumbent operational personnel hired by the Service Provider to perform work under this contract, who have maintained currency and can provide appropriate documentation, shall be considered to have met the requirements outlined in subsequent SIR paragraphs.

31. Are AFSS personnel eligible for non-operational positions that the Service Provider creates that are similar to those existing in AFSSs (i.e. managerial and/or administrative type jobs)?

Yes, if vacancies are created as a result of contract award and exist in positions for which personnel are qualified.

32. What is the Service Provider's strategy to recruit current AFSS employees?

Lockheed Martin will be visiting all 58 locations within four weeks after contract start. Every AFSS site will be visited a minimum of three times by one of 10 teams during the Phase-In period. During these site visits, the team will provide employees with program and company orientation briefings, make job offers, and finalize employment processing.

Lockheed Martin has also developed a recruiting website designed to assist incumbent personnel applying for continued AFSS employment. This website will also allow employees to obtain answers to frequently asked questions and company program information. In addition, to ensure that employee questions and concerns are met in a timely manner, Lockheed Martin has established a 24/7 Benefits Help Desk.

33. Will all employees be offered a job by the selected Service Provider?

Yes, all incumbent AFSS personnel will receive a job offer. Lockheed Martin is also offering FAA employees:

- Sign-on bonus
- Retention bonus for many positions

- Flexibility in job location and assignments
- Fully compensated relocation plan
- Full/Part Time employment options

34. How will the performance decision affect employee salaries? How does the selected Service Provider's benefit package compare to those currently available to AFSS employees?

During the Phase-In period employees remain on the Federal payroll. During the Transition period, if an employee chooses to accept a job as part of the Lockheed Martin team, they will experience no reduction in their salary. Employees will also be provided with a total benefits package that equals or exceeds those currently available through government-furnished benefits programs. Highlights of the benefits employees can expect are:

- Health Medical, Dental, Vision, Health Care Spending Account, Dependent Care Spending Account
- Insurance Basic Life Insurance, Accidental Life Insurance, Personal Accident Insurance Account
- Income Protection Short and Long-Term Disability, Long-Term Care Insurance
- Retirement 401K Savings Plan (Employee and Company Provided), Social Security
- Work/Life Balance Adoption Assistance, Charitable Contributions, Employee Assistance Program, Life Works, Personal Insurance Plan, Rewards/Recognition Program, Tuition Reimbursement
- Paid Time Off Holidays, Vacation (Grandfather Civil Service Accrual Rate), Jury Duty, Military Leave, Vacation Buy.
- Employee discounts on computers, vehicles, clothes, travel, etc.